To Emigrate or not to Emigrate?

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PUBLICATIONS FOR 1995
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HIJRAT

SECTION ONE

MEANING OF HIJRAT

Hijrat comes from the root word ha-ja-ra. It means to leave ones homeland. To leave ones homeland for Allah's pleasure is a great obedience and Ibadaat. Rasul (SAW) said: *"HIJRAT annihilates all the sins which man has committed before HIJRAT"*.

Hijrat means to leave one thing and to move towards another.

HIJRAT is either obligatory, compulsory, desirable or good, depending on the circumstances surrounding it.

The benefits of HIJRAT are two fold. Worldly benefits and benefits in the Aakhiraat. In this world the good can be seen as a good home, good neighbours, good provision, victory over ones enemies, dignity and respect from the people of the area and the inheritance of these important virtues by ones progeny. Greater than this is the reward of the Aakhiraat. (Qurtubi).

Sahabah (RA) were awarded the above benefits within a short time due to their sincerity of intention.

However according to Tafseer Bahr Muheet the benefits of HIJRAT are not limited to the Sahabah (RA) and nor is it limited to any time or place. Vol.5 P. 294.

Moreover the benefits of HIJRAT will be showered on the person who is a true Muhajir.

HIJRAT IN THE QURAAN

"And those who after they have been oppressed emigrated for the cause of Allah, We will provide them with a good (abode) in this life; but better in the Aakhiraat, if they but knew it. It is those who are steadfast and

rely on their Rabb." Sura Nahl-41/2

The Sahabah (RA) made HIJRAT from Makkah to Madinah where they were blessed with comfort and peace. They left their original homeland extremely sorrowfully because THEY COULD NOT PRACTICE THEIR DEEN FREELY.

Allah says: *"He that makes HIJRAT in the cause of Allah shall find numerous places of refuge in the land and great abundance." Sura Nisaa 100.*

In the initial stages of Islam it was Farz to make HIJRAT from Darul Kufr to Darul Islam. When Makkah was conquered then Rasulullah (SAW) said.: *"There is no HIJRAT after victory." (Bukhari)* for Makkah was now Darul Islam. Before the conquest of Makkah HIJRAT was a condition for Iman. This was abrogated later.

INTENTION AND HIJRAT

It is related on the authority of Hazart Umar bin al Khattab (RA) who said: I heard the Rasul of Allah (SAW) say:

"Actions are judged according to their intentions, and to each person would be what he had intended. If he had emigrated for (the sake of) Allah and His Rasul, then his emigration would be for Allah and His Rasul. But if his emigration had been worldly gain or to marry a woman, then his emigration would be for what he had emigrated." (Bukhari - Muslim).

One of us sent a proposal of marriage to a woman, Ummi Qays, who refused it but imposed the condition of migration. That man migrated and married her. So we designated him as the the Muhajir Ummi Qays.

Al-Samarqandi (RA) said: "What is done for the sake of Allah is accepted; and what is done for sake of people is rejected."

Qari Tayyib (RA) says that this hadith is divided into 3 parts, firstly stating the principle, secondly elucidating it and thirdly providing an example of it.

There is no mention in the hadith that a person migrating with this intention would be committing a sin because marriage is a lawful act and not a sinful one.

An action may be all right per se but bad intention makes it bad, yielding bad fruits.

This hadith clearly shows that the recompense for an act is determined by the very intention of it even if it may not actually have taken material shape.

Qadi Baydawi (RA) says that niyyat means mental inclination towards something that accords with our purpose, whether it be to gain profit or to overcome some harm, presently or subsequently.

Allamah Tayyibi has explained the significance of both the parts separately. The first tells us what makes acts worth consideration. The answer is intention. The second indicates what intention is esteemed and appreciable. This is nothing but bona fides.

Good acts are of three types: taa-at - acts of obedience, qurbat - acts of proximity to Allah and ibadat - adoration.

The sincerity of intention is the most important pillar. *"Allah does not look at your external but at your hearts and intentions."*

Imam Gazzali (RA) says if in any action there is worldly purpose more then there is no reward, if there is Deeni purpose more then accordingly one will receive reward, if there purposes of the world and Deen are on par then also no reward will be received and if in the beginning of the action the intention was sincere but spoiled later then Abu Jafar bin Jarir Tabari narrates from the Jumhoor that the intention of the beginning is considered.

SECTION TWO

CONDITIONS FOR PEACEFUL LIVING

In the light of the Blessed Shariat, there are 5 Basic aspects to be protected and around which the laws rotate or are linked. These are:

1. **PROTECTION OF LIFE** - In Surah Maidah Allah states that *"If a person kills another kills another without (a just and valid reason) or due to spreading confusion on earth, it is as if he has killed all the people."*

2. **PROTECTION OF PROPERTY** - The law of hand-amputation for thieves bears testimony to the importance Islamic rule attaches to safeguarding of property. This law, even though stringently applied

after certainty is reached regarding the thief, has reaped incredible peace in the areas where they are applied.

3. **PROTECTION OF PROGENY** - Adultery and fornication destroy the moral fibre of society and lower man to the status of animalism. It destroys modesty, shyness and purity of progeny. Shariat has declared Zina as haraam. The non-married guilty person is to be flogged and the married guilty person is stoned to death. Also in this field the court proceedings are so intricate, specific, minute, and clear that the heinous crime of adultery and fornication are virtually non-existent in countries where the law of flogging etc. are applied.

4. **PROTECTION OF INTELLIGENCE** - To safeguard the facility of reason and rationality, Shariat has declared any form of intoxicant haraam (prohibited). The drunkard must be flogged. Any thing which disrupts the power of reason, thinking and the sense of perception must be curbed at any cost for the protection of society at large. Pornography, nudity, indecency and drugs are all forms of evils which must be eradicated by every ruling party to secure a healthy society.

5. **PROTECTION OF DEEN** - Iman is the most valuable property and asset of a Muslim. One who renounces Iman (Islam) becomes a murtad - (renegade). Shariat has specified the penalty of death on such a person. Thus all structures which aid in protecting Iman are absolutely necessary. Thus the need for Masjids, Madressahs, (Khanqah) Hospices, Dawat and Tabligh, Libraries, Research Institutions, Waqf Organisations, Darul Ulooms, Translation Centres. However these quarters must project True, Pure, Pristine Islam and must not be manipulated by the enemies of Islam through research programmes designed to distort true Islamic teachings.

Islam has stipulated many other laws to ensure that every man is safe and his rights are not trampled upon.

It is essential for any Government to uphold the above 5 principles to ensure safety and security for all its citizens. In these lie the beauty of Islam and adequate cause for any non-biased person to accept Islam.

DIFFERENT TYPES OF COUNTRIES

During the period when Islam spread rapidly, areas were classified into:

(a) Darul Islam (the area under Islamic rule) and;

(b) Darul Harb - (the area under non- Islamic rule). As the science of Fiqh (jurisprudence) developed the Fuqaha (juro-consultants) made laws for these territories. Islam removed darkness and projected true culture and civilisation to the world. Nations swiftly accepted Islam or came under the sway of the Islamic principles of justice and humanitarianism. Presently, due to the reconstruction of world politics, areas have diversified and more categories followed.

1. **Darul Islam** - where Islamic rule prevails.
2. **Darul Harb** - where there is unjust non-Islamic rule and Muslims at large are continuously at war for freedom and restoration of basic human rights.
3. **Darul Aman** - where there is non-Islamic rule which is just and in which freedom of Deen is allowed.
4. **Darul Kufr** - where the non-Islamic rule uses every opportunity to impose its Baatil Religion upon the masses in crude and subtle ways (including the media).
5. **Darul Fasad** - area under any Rule (be it Islam or not) but constantly under confusion, turmoil, war, riot, strife, mutiny etc. Some scholars of this age divided areas even further. Laws for the Muslims in these respective territories develop accordingly.

NON-MUSLIM GOVERNMENTS

Some are under the false notion that Islam cannot be practised in a non- Muslim state. To become a practising Muslims does not solely depend on living in an Islamic state. Power and authority are not prerequisites for being practising Muslims. Islam is the deen for all times, all places, all situations and circumstances. Muslims should influence the Government and not visa versa.

Furthermore it has been stated: "Allah helps the just government even it is infidel, and does not help the tyrannical government even if it is Muslim." (Ibn Taymiyah, Majmul-Rasil, al-Hisbah-Cairo-1323 ah p 36.)

Also every Muslim government or institute is not always Islamic. Satan comes in various forms.

MUSLIM RESPONSIBILITY

1. To protect the above 5 fundamental principles;

2. To observe the important Quraanic injunction which calls upon every member of the community to order what is good and to forbid what is evil. It is not a legal sanction but a moral duty for each Muslim to participate in the moral and material enhancement of the community.

3. Unity and mutual protection - It is reported in the Sihah that Rasul (SAW) said: *"The Muslims, in their reciprocal pity, and in their mutual sympathy, resemble a single body; whenever one part of it complains, the other areas respond to it and the entire body becomes restless."* Further, *"A believer is to another believer like an edifice, all the parts of which reinforce one another."* (and he interlinked his fingers to demonstrate it), and there is another report in the Sihah in which Rasul (SAW) says: *"By Him in whose hands is my soul, no one of you can be a believer unless he wishes for his brother the same that he wishes for his own self."* Rasul (SAW) said: *"The Muslim is the brother of the Muslims, he will neither abandon him nor hurt him."*

4. To negotiate for the betterment of Muslims conditions. This is what prompted Ibn Taymiyah (RA) to write a lengthy letter to the King of Island Sajwas who was treating his Muslim subjects very harshly. Ibn Taymiyah reminded him that the Islamic State was always very just and tolerant to the Christian subjects, whose number was quite larger and informed him that if he reciprocated in similar terms, his conduct would be much appreciated by the Muslims. Al-Siyasah P 179. It is sadly worth noting that today, not only do Muslim parents pay huge sums of money as fees for private schools but remain cowardly silent when religious propaganda is made an essential part of the syllabus. If we cannot demand such a small part of Islam from those who are fattened with our purses, when will we reach even close to the afore-mentioned example. May Allah grant us courage.

5. To convey the message of Islam to all. *"Say this is my way. I call to Allah with certainty (insight and conviction), I and those that follow me."* - *Sura Yusuf.*

SECTION THREE

TYPES OF HIJRAT AND JOURNEY

Qurtubi from Ibn Arabi writes that leaving the homeland or undertaking a journey is either due to running away from something or saving onesself from something or searching for something. The first type (running from something or saving onesself from something) has 6 categories and is termed HIJRAT.

1. To move from Darul Harb to Darul Islam. This type was obligatory during the time of Rasulullah (SAW) and remains so (on condition that one has the ability and power to do so) WHEN ONES LIFE, PROPERTY AND DIGNITY IS NOT SAFE OR WHEN ONE CANNOT PERFORM THE OBLIGATIORY DUTIES OF DEEN. If one stays in the area even when these conditions are prevalent, then one is a sinner.

2. To move from Darul Bidat (Innovation). Ibn Qasim says that he heard from Imam Malik (RA) that it is not permissible to stay in the area wherein the Pious Predeccesors are abused and spoken ill of. Ibn Arabi supports this view that if you are unable to remove the evil then it is necessary to move away from it.

3. To move away from that area wherein there is over-whelming haraam and a real fear of being engulfed by it. It is necessary for a Muslim to seek halaal provision.

4. To move so that one is saved from bodily harm. This move is permissible and also a boon from Allah. The first one to do so was Hazart Ebrahim (AS) who moved from Iraq to Shaam. *"I am emigrating to my Rabb" (Ankabut 29).* Hazart Musa (AS) also moved from Egypt to Maida-in. *"He went away in fear and vigilance, saying: Rabb, deliver me from these evil men." (Qasas 21).*

5. To move to save one self from the climate or certain ailment. This action was ordered by Rasulullah (SAW) on those shepherds who were instructed to stay outside Madinah because the urban air was not good for them. The rule of Shariat is that those who are in the area of an epidemic should stay inside it whilst those who are outside the area of the epidemic should stay outside. This is proven from the hadith reported by Hazart Abdur Rahman bin Auf (RA).

6. To move in order to protect ones property. When one fears decoits, thiefs and thugs who would harm ones property then it is permissible to move, for Shariat honours property like life. There are 9 categories of journey when man goes out to seek something.

1. **Journey for observation and insight.** To go out and see the Power, Might and Control of Allah. To see what befell the previous nations. The Quran has encouraged such journeys. *"Have they not travelled in the land and seen what has been the destiny of those before them." (Rum 30).*

2. **Journey for Haj.** Travelling to fulfill this well known pillar of Islam will depend on ones means to do so as explained in the relevant literature.

3. **Journey for Jihaad.** This journey becomes Farz, Waajib or Mustahab according to the circumstances which prevail at a particuliar time.

4. **Journey for livelihood.** When a person cannot make ends meet in his area then it is necessary for him to go to another place to seek same.

5. **Journey for trade.** To travel so that one may seek wealth more than the basic requirements is permissible in Shariat, as long as it does not interfere with ones Islamic well-being and the well being of those in ones care.

6. **Journey to seek knowledge.** To seek essential knowledge is

obligatory and to seek more than that is Farz-e-Kifaya. (i.e. if some people in the community acquire it then the rest are absolved from doing so.)

7. **Journey to a Blessed and Holy Place.** This is restricted to 3 places, Masjid Haram (Makkah), Masjid Nabawi (SAW) (Madinah), and Masjid Aqsa (Jerusalem). This is the view of Qurtabi and Ibn Arabi. Other Elders have granted permissibility for journeying to visit any Blessed Place.

8. **Journey to protect the frontiers of Islam.** The virtues are enumerated in many ahadith .

9. **Journey to meet relatives and friends.** The hadith has classified this action as one reaping rewards and favours. (Qurtabi p.349 to 351). Mariful Quran - Shafi - vol.5 p 326-331.- Sura Nahl.

The second form of HIJRAT is what Rasulullah (SAW) spoke about in a wider definition of the word, "HIJRAT remains until the time of repentance remains." (Bukhari). Commenting on the above Allamah Aini (RA) states that this refers to the HIJRAT (moving away) from sins (discarding of sins), as stated in a hadith: "The Muhajir is the one who abstains from all those things which Allah has prevented him from. Thus in the light of Shariat there are two broad meanings to HIJRAT.

1. To leave one's home for the cause of Deen, like the Sahabah (RA) went to Madinah or Ethiopia.

2. Discarding sin.

We conclude that there are two forms of hijrat:
1. To move from one land to another.

2. To move away from sin. The causes of (1) are basically two.

1. When a person's life, property and dignity are in jeopardy or

2. When a person's Deen is halted; when one cannot preach, practice,

or propagate Deen; when one cannot aid Muslims or Islam; when one cannot uphold the Shi-aar-e Deen (ie. the chief characteristics of Deen like Azaan, Jumu-ah, Eid, the keeping of a beard, purdah, etc. Also when one is not allowed to implement individual Islamic Personal law. HIJRAT is the preamble to Jihaad. Initially after Iman the order to make HIJRAT was given followed by the injunction of Jihaad. HIJRAT provides benefits for both the worlds. It was Farz in the beginning to make hijrat because one was not able to practise Islam completely nor propagate Islam nor aid Islam or the Muslims.

WHO IS A TRUE MUHAAJIR

A true Muhaajir has the following four qualities:

1. His HIJRAT is solely for the pleasure of Allah and not for any worldly gain, trade, employment or inner desire.

2. When he is truly oppressed.

3. The Muhajir is to have born the initial difficulties and hardships with patience and steadfastness.

4. His hijrat is made with the firm conviction and belief that despite using worldly means, victory, aid and achievement is only in the hands of Allah. If one has made hijrat and does not experience any benefits then obviously one of the four qualities have been lacking.

THE REAL HIJRAT

Rasulullah (SAW) said: "The Muhajir is the one who abstains from all those things which Allah has prevented him from". It is absolutely necessary to flee from sin, to discard all those things which are haraam, to move from the dis-obedience of Allah to His obedience. One must move from kufr to Islam, from shirk to Tauheed, from bidat to Sunnat, from darkness to Light, from falsehood to Truth, from sin to Good, from dis-pleasure to Pleasure, from ignorance to Knowledge, from filth to Purity, from to deception to Honesty, from miserliness to Generosity, from immorality to Modesty, from selfishness to Welfare, from chaos to Peace, from difficulty to Ease, from Un-righteousness to

Righteousness, from obsession to Moderation, from in-justice to Justice, from dis-order to Tranquillity. In short from all that is bad to all that is good. We conclude that there are two forms of hijrat:

1. To move from one land to another.

2. To move away from sin. The causes of (1) are basically two:

1. When a person's life, property and dignity are in jeopardy or

2. When a person's Deen is halted - when one cannot preach, practice or propagate Deen, when one cannot aid Muslims or Islam, when one cannot uphold the Shi-aar-e Deen i.e. the chief characteristics of Deen like Azaan, Jumuah, Eid, Beard, Purdah, Burial, Masjid etc. Also when one is not allowed to implement individual Islamic Personal law. HIJRAT is the preamble to Jihaad. Initially after Iman the order to make HIJRAT was given followed by the injunction of Jihaad. HIJRAT provides benefits for both the worlds. It was Farz in the beginning to make hijrat because one was not able to practise Islam completely nor propagate Islam nor aid Islam or the Muslims. The meaning, benefits, causes, and significance of hijrat have been mentioned. Hijrat with reference to the Quran and Hadith has been discussed. Moreover the meaning and purport of niyyat has been outlined. However one must not move for worldly reasons whilst externally creating the impression that the action is done for Allah's pleasure. This is the reason we have stressed on the meaning and fruits of niyyat. Lastly in any country the Ulema e Haqq will issue the ruling of to make Hijrat or not. Presently (1994) no Alim has to our knowledge issued the legal decision of making hijrat from South Africa. Verily Allah knows best.

Jumadil Aa-khirah 1415.
November 1994.

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